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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,644	04/11/2001	Steven Dickinson Potter	18748-002001	1632
26161	7590	10/03/2005	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			RESTIFO, JEFFREY J	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/832,644

Applicant(s)

POTTER, STEVEN DICKINSON

Examiner

Jeffrey J. Restifo

Art Unit

3618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-27 is/are pending in the application.
- 4a) Of the above claim(s) 18, 23 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-17, 19-22, 24, 25, and 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/15/05 has been entered.

Election/Restrictions

2. Claims 18, 23, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species B, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 2.

Claim Objections

3. Claim 20 is objected to because of the following informalities: Claim 20 appears to be identical to claim 19. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-17, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu (5,428,022) and in further view of Namiki (6,428,022).

Yu discloses a skateboard comprising front and rear footboards (20), an elongated strut (10), and pivot joints (11) for allowing the foot boards to pivot relative to the strut, as shown in figures 1-4. Yu does not disclose the skateboard as only having a single wheel at either end rather than a pair of wheels. Namiki does disclose a skateboard (S) as having only a single wheel (18,20) at either end of the skateboard in order to allow increased tilting of the board, as shown in figures 1-4. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the pivoting skateboard of Yu with the single wheels of Namiki in order to allow the skateboard to tilt at greater angles allow a decrease in turning radius.

With respect to claims 24 and 25, Yu recites the footboards as being able to be restricted to any desired angle, which would include +/-45 degrees, as recited in column 2, line 32.

6. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yu and Namiki, as applied to claims 14-17, 24, and 25, and in further view of Sheldon (4,082,306).

Neither Yu nor Namiki disclose the strut as being a torsion bar. Sheldon does disclose a skateboard as having a torsion bar 30 for allowing torsional rotation between front and rear footboards (10,11), as shown in figures 1-4. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the

pivoting skateboard of Yu and Namiki with the torsion bar of Sheldon in order to allow the footboards to tilt relative to each other and further decrease turning radius.

7. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (US 5,505,474 A) and in further view of Namiki (US 6,428,022 B1).

Yeh discloses a skateboard comprising front and rear footboards 4, an elongated strut 1, mounting brackets 3, and a pivot joint 13, 34 for pivoting the strut with respect to the footboards, as shown in figures 2a-6. Yeh does not disclose a single wheel in line with the pivot axis. Namiki does disclose a skateboard with single wheel assembly, as shown in figure 2. It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the skateboard of Yeh with the single wheels of Namiki in order to decrease the turning radius of the skateboard.

Examiner Note: Reciting the torsion strut limitation of claim 19 and the pivot axis being in line with the wheel together with the rest of the independent claim may be favorable in defining over the prior art.

Response to Arguments

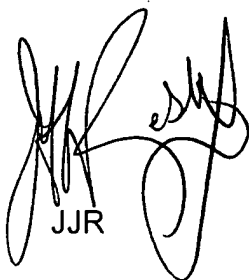
8. Applicant's arguments filed 8/17/05 have been fully considered but they are not persuasive. With respect to the applicant's arguments concerning claim 14, Claim 14 does not recite the footboards as tilting independent of each other, which appears to be what the applicant argues against the rejection. This limitation is met by the Sheldon reference and was applied to claim 19, which does recite the footboards as tilting independent of each other.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey J. Restifo whose telephone number is (571) 272-6697. The examiner can normally be reached on M-F (10:00-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (571) 272-6914. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JJR

Jeffrey J. Restifo
Examiner
Art Unit 3618